

REMARKS

In the final Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as unpatentable over Yin et al. (U.S. Patent No. 5,982,748) in view of Ho et al. (U.S. Patent No. 6,687,254). The Examiner objected to claims 2-5 as dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. The Examiner allowed claims 6-10.

By this Amendment, Applicant amends claims 1 and 4-10 to improve form and adds new claims 11-16. Applicant appreciates the Examiner's identification of allowable subject matter, but respectfully traverses the rejection under 35 U.S.C. § 103. Claims 1-16 are pending.

In paragraph 2 of the final Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as allegedly unpatentable over Yin et al. in view of Ho et al. Applicant respectfully traverses the Examiner's rejection.

Amended independent claim 1 is directed to a call admission control method in a switch. The method comprises receiving a QoS (Quality of Service) specified connection request; calculating an assigned bandwidth on a link associated with the QoS-specified connection request; calculating an average bandwidth of all existing QoS-unspecified traffic on the link associated with the QoS-specified connection request; and determining whether the QoS-specified connection request is accepted based on a combination of the assigned bandwidth and the average bandwidth.

Neither Yin et al. nor Ho et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in amended claim 1. For example, neither Yin et al. nor Ho et al. discloses or suggests calculating an average bandwidth of all

existing QoS-unspecified traffic on a link associated with a received QoS-specified connection request.

The Examiner admitted that Yin et al. does not disclose or suggest this feature (final Office Action, page 2). The Examiner alleged, however, that Ho et al. discloses the feature and cited column 11, lines 21-27, of Ho et al. for support (Advisory Action). Applicant respectfully disagrees.

At column 11, lines 21-27, Ho et al. discloses:

Through the use of these equations the MRR 18 attempts to fairly distribute buffer space based on the number of active connections and the MCR proportions thereof. Thus, for instance, an ABR or UBR connection having an MCR twice as large as another connection will on average receive approximately twice as much buffer space.

In this section, Ho et al. discloses that an available bit rate (ABR) or unspecified bit rate (UBR) connection that has an MCR value (which Ho et al. discloses as a weight defined by a minimum cell rate (col. 3, lines 47-51)) that is twice as large as another connection will on average receive approximately twice as much buffer space as the other connection. In other words, Ho et al. discloses that if an ABR/UBR connection has a minimum cell rate that is twice that of another connection, it will be allocated twice the buffer space as the other connection. The mere fact that one connection is allocated "on average" twice the buffer space as another connection is not equivalent to calculating an average bandwidth of all existing QoS-unspecified traffic on a link, as required by claim 1.

In addition, even assuming, for the sake of argument, that allocating buffer space is equivalent to allocating bandwidth and that allocating bandwidth is equivalent to calculating the average bandwidth (points that Applicant does not concede), Ho et al. does not disclose or

remotely suggest calculating the average bandwidth of all existing QoS-unspecified traffic on a link, as required by claim 1. Instead, Ho et al. discloses determining how much buffer space to allocate to an ABR connection or a UBR connection based on its minimum cell rate compared to the minimum cell rate of another connection (col. 11, lines 21-27).

Because neither Yin et al. nor Ho et al. discloses or suggests calculating an average bandwidth of all existing QoS-unspecified traffic on a link associated with a QoS-specified connection request, Yin et al. and Ho et al. cannot disclose or suggest determining whether the QoS-specified connection request is accepted based on a combination of the assigned bandwidth and the average bandwidth, as further required by claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Yin et al. and Ho et al., whether taken alone or in any reasonable combination.

New independent claim 11 recites features similar to features recited in claim 1 and is, therefore, patentable over Yin et al. and Ho et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claims 12-15 depend from claim 11 and are, therefore, patentable over Yin et al. and Ho et al. for at least the reasons given with regard to claim 11.

New independent claim 16 recites features similar to features recited in claims 1 and 5. Because claim 5 has been identified as containing allowable subject matter, claim 16 should be in condition for immediate allowance.

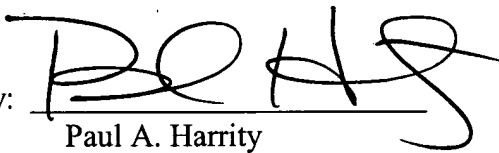
In view of the foregoing remarks, Applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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